

# Israeli cabinet backs down from law banning Arab land ownership

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The Israeli government has voted 22-2 to sideline a bill instigated by Knesset member Rabbi Haim Druckman and the National Religious Party that would allow Jewish-only communities.

The bill proposed to amend Israel's Lands Law to enable the government to allocate land for Jews-only to the Jewish Agency. It was endorsed by the cabinet last week by 17 votes to two against, but will now be buried by being sent to a committee headed by former finance minister Yaacov Ne'eman with a remit to examine basic law issues.

The Likud ministers and members of the ultra-orthodox Shas party who voted in favour of the bill last week, subsequently voted against. Prime Minister Ariel Sharon was anxious that any debate in the Knesset was prevented as the bill had sparked widespread outrage, though he made no criticism of its proposals. "It is not right to make this into a law if we are not certain it is completely necessary," he said.

The bill's transparently racist character meant that it was a full year before cabinet could be allowed to debate it openly. Druckman hailed the initial vote in favour as a "victory for Zionism". A member of both the National Religious Party and Gush Emunim, the right wing settler movement, he was one of Sharon's staunchest allies in the 1982 war against Lebanon and a vigorous opponent of any inquiry into the massacre at Sabra and Shatilla refugee camps.

His proposal got through cabinet virtually unopposed because, despite the fact that the agenda for the meeting had been circulated in advance, all the Labour Party cabinet members—with the exception of Ephraim Sneh who voted against it—were absent from the vote. None had either submitted written proxies nor asked the prime minister to postpone the discussion in their absence. It was only after three days after the event that

Defense Minister and Labour Party Chairman Benjamin Ben-Eliezer asked Cabinet Secretary Gideon Sa'ar to schedule a fresh debate on the bill.

The Labour ministers' absence gives the lie to their oft-repeated claim that their membership of Sharon's government is a restraining force on the Israeli right.

Sharon also absented himself from the first vote.

The bill may have been buried, but the anger it provoked will not go away. Azmi Bishara, an Arab member of the Knesset, said "the bill emphasises the new trend in Israeli policy and political culture to turn discrimination into something legitimate, by cementing it into law. Racism has been turned from political culture into the ruling official ideology, with the support of the government and the coalition's approval."

Druckman's objective in introducing the amendment was to overturn the High Court's landmark decision in March 2000. The court ruled that the Zionist state could not discriminate between Palestinians and Jews in the allocation of land within Israel, whether the agency involved was the Israel Lands Administration (ILA) or the Jewish Agency (JA). The court did not totally rule out discrimination, saying that there might be circumstances such as security why land might be designated for Jews-only.

That case had been brought by the Ka'adan family in 1995, and was backed by the Association for Civil Rights in Israel. The Ka'adans claimed that the Jewish Agency's refusal to allow them to buy land to build a home in Katzir because Adel Ka'adan was a non-Jew was illegal as it discriminated against Israeli Palestinians.

The Jewish Agency, which solicits and receives funds to establish Jewish settlements in Israel, had set up Katzir as a Jewish communal settlement in 1982. The

Katzir communal association, which only accepted Jewish members, stopped Israeli Palestinians from building homes and businesses in the community even though its land belonged to the state via the Israel Lands Administration.

The case became a *cause célèbre* in Israel and clearly posed a dilemma for the High Court, as it took five years for it to hear the case and reach a decision. Despite the court's ruling more than two years ago, bureaucratic procedures have been used to block its implementation and prevent the Ka'adans from buying and building a home in Katzir. Last April, the Association for Civil Rights in Israel petitioned the High Court and asked it to rule that the ILA was in contempt of court for not implementing its anti-discrimination decision.

This only served to enrage the extreme right even further, hence their efforts to enshrine in law the discrimination that has existed in practice since the formation of the state of Israel.

Israel is the only state in the world that is not the state of its citizens but of the whole Jewish people, both those within Israel and throughout the world. This in turn gives Jews rights that non-Jews do not have. Under the Law of Return, one of Israel's Basic Laws—Israel does not have a constitution—is that Jews have the right to immigrate to Israel and become citizens, whereas Palestinians who were born there and fled during the 1948 war to establish the Zionist state do not.

In 1948, the Jewish community owned less than 10 percent of the land. Palestinian land, vacated as a result of the war, was turned into Jewish land by the Absentees' Property Law, the Law of the State's Property, and the Land Ordinance (the Acquisition of Land for Public Purposes). Consequently, 90 percent of the land became state land, owned by the Israel Lands Administration, which must by statute distribute it on a non-discriminatory basis.

But the ILA gives land to the Jewish Agency (JA) and the Jewish National Fund (JNF), which in turn use it for the development of exclusively Jewish communities and townships. Frequently, aspiring residents of new communities form a cooperative, which establish criteria for accepting members, usually on the basis of ethnicity or type of employment, and ask the Agency for help in acquiring the land. The co-ops' "admittance committees" then vet prospective

members and decide whether or not to accept them.

Thus while the ILA must allocate land on a non-discriminatory basis, the government operates through the JA and JNF to reserve land exclusively for Jews. In practice this meant that no non-Jew could lease, sell or buy state land. The Katzir court decision, as the case became known, by ruling that the Jewish Agency could not exclude non-Jews, struck at the heart of the Zionist state's discriminatory land policy.

Jewish towns receive significantly more land than Arab towns. While Israel's Arab citizens constitute 20 percent of the population, their towns and villages control only 2.5 percent of the land. While the government uses the Jewish Agency to establish Jewish communities, no such funds are made available for new Palestinian or Druze communities, although some new towns may be established for the Bedouin in the Negev desert.

Studies by Israeli academics have shown that land is not distributed fairly even amongst Jews. Professor Oren Yiftael of Ben Gurion University in Beer Sheva showed that development towns—built to house poor immigrants from the Middle East and North Africa—receive less land than the kibbutzim and moshavim affiliated to the political establishment.

Discrimination against Palestinian, Druze and Bedouin Israelis is not just confined to land ownership. The state discriminates against them in relation to development credits and the allocation of resources to local councils in towns such as Nazareth, with the result that Palestinian local authorities lag far behind their Jewish counterparts in terms of services and development.



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